

REMARKS

Claims 1-12 are pending. Reconsideration and allowance based on the below comments are respectfully requested.

The Office Action rejects claims 1-12 under 35 U.S.C. §103(a) as being unpatentable over Mutsuga, et al. (U.S. Patent No. 5,911,773) in view of Herbst, et al. (U.S. Patent No. 6,321,161). This rejection is respectfully traversed.

The Office Action alleges that Mutsuga teaches obtaining a number of guide points located an optimal route and the listing of the guide points on a display. The Office Action also alleges that Herbst teaches the selection or determination of at least two guide points which should be by-passed and provides an updated route based on the by-pass selection. The Office Action alleges that Herbst's teaching combined with Mutsuga's teachings provide applicants' claimed invention as recited in claims 1, 7 and 12. Applicants respectfully disagree.

Mutsuga teaches a vehicle navigation system that calculates an optimal route to a destination. Traffic information within a range near a present position of the vehicle can be acquired by a user and used to determine a new optimal route. A display of various guide points for a user to view and select in determining an optimal route is not taught by Mutsuga.

The Office Action alleges that column 6, line 10 to column 7, line 3 discloses the display of guide points on an optimal route. This section of

Mutsuga teaches the use of a road data file that includes information regarding route guidance. Fig. 3(b) is a diagram that explains the data stored in the data file. Further, this section of Mutsuga discusses the acquisition of traffic information data when the vehicle passes through an area that's in the range of a beacon transmitting the traffic data. Nowhere does this section of Mutsuga teach or suggest displaying to a user a list of guide points on the optimal route.

Also, Herbst teaches a navigation system in which a route is calculated and then broken down into segments based on geographic data representation of roadways, intersections, etc. When traveling down the determined route, at the end of each segment, the system within Herbst provides a deviation evaluation from the obtained route to the user. The system of Herbst also can provide alternatives from the determines route at featured node points, which are locations at the end each segment on the determined route. Therefore, the system of Herbst provides route deviation information based on a segment by segment basis. Herbst does not teach or suggest setting a by-pass setting based on a user selection of various guide points that have been displayed to the user, as claimed by applicants.

The Office Action alleges that column 5, line 55 to column 6, line 60, column 12, lines 53-63 and column 10, lines 18-31 provide the teachings of applicants' claims. These sections of Herbst, however, merely teach the presenting to a user of various alternatives at the arrival of the vehicle at an intersection on the route. The use can either change to deviate from the route,

by which a new route is calculated or not deviate from the route. The user never selects from a display of various guide points by which a bypass setting is created and a new route determined.

Thus, in view of the above, the combination of Mutsuga and Herbst fails to teach, *inter alia*, a list display means lists and displays guide points on the route searched by the route searching means, and the receiving means which upon designating at least two of said guide points, receives a bypass setting for a section connecting the at least two guide points when the list display means lists and displays the guide points on a route, wherein when said receiving means receives the bypass setting for the section connecting the at least two guide points, said route searching means researches the route to the designation in accordance with the setting result, as recited in claim 1.

Further, the combination of Mutsuga and Herbst fails to teach or suggest, *inter alia*, listing the one or more guide points on a display, determined by the user whether to select a bypass setting based on the listed guide points, the bypass setting indicating which guide points should be bypassed and performing the updated search of the optimal route based on the bypass setting, as recited in claim 7.

Mutsuga and Herbst also fail to teach or suggest a display operatively connected to the route searcher, the display displaying a list of guide points located on the optimal route and a bypass receiver operative connected to the route searcher in said operation key, the bypass receiver receiving a bypass

sitting based on a user selection of one or more guide points to bypass, said route searcher performing an updated search of the optimal route based on the bypass setting and provides the updated optimal route to said display, as recited in claim 12.

Further, the Office Action fails to provide motivation for the alleged combination of Mutsuga with Herbst. The Office Action states that one would be motivated to combine Mutsuga and Herbst because “a by-pass setting for a section connecting the at least two guide points when the list display lists and displays the guide points on the route to allow the driver planning an alternative route in case of traffic congestion and choose another route faster”. Applicants note that Mutsuga already teaches a system for obtaining traffic information and providing route alternatives. The traffic information is obtained by means of an FM radio beacon when a user is in the vicinity of the beacon. Thus, by this system one cannot display all guide points on a determined route that would indicate traffic congestion areas, since they are all not known until the vehicle is in an area of an FM beacon. Thus, even if Mutsuga and Herbst did teach all the claimed features, which applicants contend they do not, then one of ordinary skill would not be motivated to combine these alleged teaches to achieve applicants claimed invention.

In view of the above, applicants respectfully submit that the combination of Matsuga and Herbst fail to teach each and every feature of the claimed

invention as required and lacks to motivation to combine those teachings.

Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

For at least these reasons, it is respectfully submitted that claims 1-12 are distinguishable over the cited patents. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/030,689

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s)